

The State Administrative Law Implications of Deviations From Building Construction Approval in Prohibited Areas

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Abstract

The construction of buildings in prohibited areas presents a crucial issue in the administrative law system, particularly in the context of enforcing principles of good governance that are clean and accountable. Prohibited areas, such as water catchment areas, green zones, or cultural heritage sites, have been designated through spatial planning policies with binding legal authority. However, in practice, administrative approval for construction in these areas is still often granted unlawfully by authorized officials, driven by various economic and political motives. This article aims to analyze the legal implications of such procedural violations, both concerning the validity of permits issued and the legal accountability of the responsible officials. The research uses a normative legal approach with a case study on several constructions that violate spatial planning regulations in Indonesia. The findings indicate that these violations could lead to the annulment of permits through decisions made by administrative courts, along with administrative sanctions and even criminal penalties for those proven to have violated the rules. Strict enforcement of administrative law is key to preventing similar violations in the future.

1. Introduction

Building construction is a key indicator of the economic and infrastructure development of a region. This process not only results in physical structures but also contributes to improvements in the economic, social, and cultural sectors. The buildings constructed within a particular area often symbolize progress and urban modernization, while also serving as centers for economic activities supporting various sectors such as housing, office spaces, education, and healthcare (Rasyid, W., & Sadriyah Mansur, 2021).

In planning building construction, sustainability and land-use planning are crucial. Each area has unique characteristics that must be considered in the planning process. The government, at both the central and local levels, plays an important role in designing land-use policies that ensure construction aligns with the needs of the community and the existing environment.

Building projects that take into account not only technical and economic aspects but also their impact on the environment, society, and culture, represent a fundamental principle of sustainable development. Therefore, regulations governing land use and building construction are essential to ensure that every project is carried out in accordance with pre-established plans and does not harm the community or the environment.

However, in practice, construction often faces issues that do not comply with existing regulations. One of the most common violations is the construction of buildings in areas designated as restricted zones, such as green zones, cultural heritage sites, water catchment areas, riverbanks, or disaster-prone regions.

These restricted areas play a strategic role in maintaining the balance of ecosystems and environmental sustainability. For example, water catchment areas absorb rainwater, helping prevent flooding, while green zones function as the lungs of the city, reducing air pollution and providing comfort to urban residents (Mansur, S., & Muthmainnah, 2016). Therefore, constructing buildings in these areas can disrupt the ecological balance and degrade the quality of life for residents.

Building construction in violation of these regulations can lead to long-term consequences that negatively affect both the community and the environment. For instance, construction in water catchment areas may increase the risk of flooding, while building in disaster-prone zones can heighten the vulnerability to natural disasters such as landslides or earthquakes. This highlights how failure to consider restricted areas can result in damage that is not only physical but also social and economic.

Despite the clear negative impact of illegal construction, there are often factors that encourage building in restricted zones. One key factor is pressure from investors or developers seeking to exploit the land for economic purposes. In some cases, developers or investors may exploit legal loopholes or even abuse power to obtain construction permits in areas where they are otherwise prohibited.

On the other hand, the weak monitoring system and lack of transparency in the permitting process contribute to deviations from the rules. Non-transparent and poorly supervised permit processes create opportunities for officials to engage in actions that do not align with established regulations. This exacerbates the misuse of authority that

already exists.

Deviations in issuing construction permits often occur due to collusion between government officials and developers or investors. In some cases, administrative officials are willing to grant permits in restricted areas for invalid reasons, or even accept bribes or gratuities from interested parties. Such collusion undermines the integrity of the governmental system and damages the reputation of the bureaucracy (Firdzusy, I. J., & Suhadi, 2020).

The actions of officials granting permits without regard for existing regulations also constitute an abuse of power. This occurs when officials act outside their authority or issue permits that should not be granted. In administrative law, this is referred to as "detournement de pouvoir" or the misuse of power, which in some cases can lead to criminal offenses (Kurniawan et al., 2023).

When abuse of authority occurs, the consequences are felt not only by the parties involved in the violation but also by the wider community. Residents near the affected area will directly experience the impacts of illegal construction, such as environmental degradation, the threat of natural disasters, or even social disruptions due to the unequal treatment between large developers and local communities.

In addressing the issue of improper permit issuance, the administrative law system plays a vital role. Administrative law regulates government authority, including in the granting of construction permits. Every action taken by administrative officials must be based on the principle of legality, which requires that decisions be made according to the applicable regulations. If deviations occur, there are legal avenues to challenge the validity of such decisions.

One legal mechanism that can be used to address these violations is through the State Administrative Court (PTUN). PTUN has the authority to review administrative decisions made by government officials and can annul decisions that are deemed legally flawed. This mechanism allows those who are adversely affected by an unlawful decision to hold officials accountable.

In addition to court proceedings, deviations in issuing permits can also lead to administrative sanctions. These sanctions may include dismissal from office, reassignment, or reduction of authority. The purpose of these sanctions is to deter officials involved in misusing power and to ensure that the permitting process is carried out correctly and in accordance with the law.

However, administrative sanctions alone are not enough to prevent deviations in the permitting process. Stricter oversight and transparency are necessary at every stage of permitting. An effective monitoring system and active public participation are needed to ensure that every construction decision is accountable.

One way to improve transparency is by involving the public in the permitting process. By providing clear and accessible information, the public can actively monitor decisions made by government officials. Furthermore, an accessible reporting and complaint mechanism should be available to allow the public to report any deviations that occur.

The media also plays a significant role in monitoring construction and permitting. The media can act as a bridge between the public and the government by providing accurate and timely information regarding the status of construction projects. This helps raise public awareness of their role in monitoring public policies and ensuring that construction processes adhere to the applicable laws.

In addition, the administrative law system must be encouraged to continue evolving to address new challenges arising from social and economic dynamics (Taufiq & Disantara, 2023). Updating regulations governing land use and permits is a strategic step toward improving the current permitting system. Clearer and more coordinated regulations between central and local governments will reduce confusion and ensure that policies are understood by all parties involved.

One approach to improving oversight effectiveness is through the use of information technology. Electronic permitting systems, such as the Online Single Submission (OSS), can enhance transparency, speed up decision-making, and reduce opportunities for deviations in issuing permits. This system allows online permit applications, facilitates tracking the permitting process, and minimizes third-party interference in decision-making.

Although electronic systems offer convenience, their success depends on the integrity and capacity of the human resources managing them. Therefore, training and capacity-building for officials involved in the permitting process are essential to ensure the system is used properly and in accordance with the principles of good governance.

In addition to internal oversight, external monitoring by independent institutions such as the Indonesian Ombudsman and the Inspectorate General is also crucial. These agencies are responsible for overseeing government actions and investigating violations of administrative regulations or abuse of power in the permitting process. Therefore, strengthening the capacity of these oversight bodies is necessary for them to perform their duties effectively.

Furthermore, the education and training of administrative officials should be prioritized. Many deviations in the permitting process occur not just due to malicious intent but also due to a lack of understanding of the applicable laws. Regular training on government ethics, administrative law principles, and good governance practices can help prevent the abuse of power.

Additionally, deviations in granting construction permits in restricted zones also create significant social impacts. Social inequalities resulting from the disparate treatment of large developers and local communities exacerbate the lack of trust in the legal and governmental systems. Communities without access to resources or power often feel marginalized and struggle to obtain valid construction permits, while large developers with substantial capital can bypass legal boundaries to secure permits.

This inequality worsens social tensions, especially when communities feel that their interests are neglected in favor of a few powerful stakeholders. It is essential, therefore, to ensure that every decision made by the government regarding construction creates social justice for all parties (Linawati et al., 2018).

Within the framework of administrative law, the principle of legality must always be upheld. All administrative decisions made by government officials should be based on the laws in place and adhere to principles of objectivity and rationality. This ensures that every government decision in the context of development is fair and does not harm the public interest.

The role of the State Administrative Court (PTUN) is critical in reviewing the validity of administrative decisions made by government officials. PTUN not only functions to annul legally flawed decisions but also provides legal certainty for the public that every decision made by the government complies with the applicable laws (Ulfa, 2020).

The success of the administrative law system in addressing deviations in the granting of construction permits depends on collaboration between various parties, including the government, the public, oversight bodies, and the media. This collaboration will create a healthy decision-making ecosystem in public policy, ultimately benefiting sustainable development.

Through this article, the author hopes to delve deeper into how administrative law can address deviations in granting construction permits and provide recommendations for improving oversight and accountability in the permitting process.

2. Research Method

This study employs a normative juridical approach, grounded in the premise that law is regarded as written norms that are universally applicable and binding. Therefore, the primary focus of this approach is on the analysis of legislation, legal doctrines, and judicial decisions that are relevant to the research topic (Ni'mah, 2021).

The normative juridical approach allows the researcher to examine the applicable legal principles in the context of violations in the approval of construction projects in prohibited zones. The aim is to determine whether the administrative actions taken by government officials align with or deviate from the legal provisions governing licensing and spatial planning.

The primary data sources used in this research include Law No. 30 of 2014 on Government Administration, Law No. 26 of 2007 on Spatial Planning, and various implementing regulations issued by ministries and local governments. Additionally, several decisions from the Administrative Court (PTUN) related to licensing violations are also analyzed.

In addition to the normative approach, a case study approach is utilized as a complement to provide a concrete understanding of real-world practices. Case studies are chosen because they illustrate how administrative law is applied in resolving issues of administrative deviations in practice.

The case studies examined in this research involve several construction projects that have sparked public controversy, both at the local and national levels. These projects are selected based on the following criteria: (1) located in areas legally designated as prohibited for development; (2) having permits issued by administrative

officials; and (3) having undergone legal proceedings in the Administrative Court (PTUN) or received media attention.

Data collection is carried out through literature studies of relevant academic literature and regulations. Additionally, court rulings published online via the official websites of the Supreme Court and the Administrative Court are reviewed. Secondary data from media reports is also used to reinforce the contextual understanding of the cases.

The analysis method is qualitative, interpreting the content of legal documents and field facts, which are then synthesized into legal findings. This analysis is conducted systematically to identify elements of deviations in the approval process and the legal consequences for the parties involved.

In conducting the analysis, the researcher uses fundamental principles of administrative law as tools, such as the principle of legality, protection of citizens' rights, accountability, and administrative accuracy. These principles provide the framework for assessing whether an official action is legitimate or deviates from the law.

The validity of the data is ensured through source triangulation, meaning the comparison of information from regulations, court rulings, and scholarly literature. The data's validity is further strengthened by examining the practice of positive law in Indonesia and comparing it with general administrative law theory and principles.

The results of this research methodology will support the arguments in the discussion section, particularly in analyzing patterns of deviations, the motives behind improper permits, and the effectiveness of monitoring and enforcement mechanisms in place.

Thus, the methodological approach used is expected to provide a comprehensive understanding of how the administrative law system functions in the context of development in prohibited zones. This research aims not only to generate theoretical insights but also to offer practical recommendations for improving future governance practices.

3. Results and Discussion

1. The Importance of Environmental Impact Assessment (AMDAL) in the Development Process

The Environmental Impact Assessment (AMDAL) is a critical tool in Indonesia's regulatory framework for sustainable development. Its primary purpose is to assess potential environmental impacts before large-scale projects begin (Pelleng, 2021). By identifying risks early, AMDAL ensures developers take responsibility for mitigating negative effects. This process is not just a formality but a safeguard for preserving ecosystems and community well-being. Preventive planning helps avoid long-term environmental damage. Therefore, AMDAL acts as a frontline defense in responsible development.

AMDAL is legally mandated under Law No. 32 of 2009 concerning Environmental

Protection and Management (Zaninda, 2020). This law requires any activity with the potential to significantly affect the environment to undergo an impact assessment. Without an approved AMDAL document, the issuance of an environmental permit is legally prohibited. This provision strengthens environmental oversight in Indonesia. It ensures that development aligns with legal and ecological standards. Thus, AMDAL serves as a critical legal checkpoint in project planning.

AMDAL is not only a scientific assessment but also a fundamental requirement in government administrative processes. According to the law, environmental permits must be issued before any business or construction licenses. If a project lacks AMDAL approval, other permits granted are considered invalid. This highlights the interdependence between environmental assessments and administrative legality. Ignoring AMDAL makes permit issuance flawed and susceptible to legal challenges. It also reflects poorly on governance standards.

When authorities issue permits without AMDAL, it signals serious procedural breaches. This often occurs due to political lobbying, economic pressure, or weak law enforcement. In some cases, AMDAL is bypassed to accelerate investment approvals, compromising environmental safeguards. Such practices undermine the credibility of environmental laws. They also foster a culture of non-compliance within government institutions. Ultimately, they jeopardize both legal order and environmental protection.

Granting permits without AMDAL violates the core principles of legality and accountability in administrative law. It demonstrates an abuse of discretion by public officials responsible for issuing such permits. Law No. 30 of 2014 on Government Administration allows decisions to be annulled if they breach procedural or substantive rules. This provides a legal avenue to challenge improper permit issuance. It also reinforces the importance of transparent decision-making. Compliance with AMDAL ensures that administrative actions are lawful and justified.

Failure to implement AMDAL often leads to significant environmental degradation. Common impacts include water and air pollution, destruction of biodiversity, and increased vulnerability to floods and landslides. These consequences can be irreversible and costly. Without proper assessments, projects proceed without strategies to mitigate such risks. As a result, long-term sustainability is sacrificed for short-term gain. AMDAL is essential for ensuring environmental resilience.

In addition to environmental harm, ignoring AMDAL can cause social conflicts. Communities directly affected by projects often feel excluded from the decision-making process. When public consultations required in AMDAL are skipped, it violates participatory rights. This leads to public distrust and resistance to development plans. Transparent and inclusive AMDAL processes promote community acceptance. Ignoring this step creates friction between developers and local residents.

In several instances, administrative courts (PTUN) have revoked permits issued without AMDAL following public lawsuits. These legal actions are often brought by NGOs or affected communities. Such cases demonstrate the potential for judicial oversight in enforcing environmental law. However, court decisions vary depending on the strength of

evidence and legal representation. Successful challenges require persistence, legal literacy, and civic engagement. They play a vital role in correcting regulatory failures.

Despite legal remedies, the recurrence of AMDAL violations suggests gaps in enforcement. Effective monitoring by both internal bodies and external watchdogs is essential. Law enforcement agencies, environmental auditors, and ombudsmen must collaborate to uphold standards. Without proactive oversight, illegal practices may continue unchecked. Strengthening institutional accountability is key to ensuring AMDAL compliance. Regular audits and sanctions are necessary to deter misconduct.

To address these issues, Indonesia must reform its permit issuance system. A more integrated process combining environmental, construction, and business permits is necessary. Fragmented systems create opportunities for mismanagement and abuse. Unified procedures will enhance efficiency and reduce administrative loopholes. This reform will also minimize conflicts between legal mandates and development interests. A coherent system supports both development and environmental stewardship.

One effective solution is the development of a centralized digital platform for environmental permits. This system would track AMDAL documentation, prevent duplications, and reduce opportunities for forgery. Digital transparency enhances public access to information and enables real-time oversight. It also speeds up the permit review process without compromising standards. Technology, if used responsibly, can bridge gaps in governance. A digital AMDAL system would improve accountability and efficiency.

Lastly, government officials must be trained to understand and implement AMDAL effectively. Building their capacity ensures decisions are made based on legal and scientific principles. At the same time, public involvement should be institutionalized. Civic engagement brings diverse perspectives and holds authorities accountable. Together, capable institutions and active citizens create a balanced, law-abiding permitting process. Upholding environmental justice depends on both governance reforms and public vigilance.

2. The Strategic Function of Spatial Planning (RTRW) in Regional Governance

The Regional Spatial Plan (RTRW) functions as a legally binding policy document that governs how land is used across regions. It acts as a normative guide for managing spatial development and must be referenced in all land-related decisions. Developed through multi-stakeholder processes, RTRW reflects the principles of legal certainty, sustainability, and public interest. Adhering to this plan ensures balanced growth while minimizing land-use conflicts. As a central instrument, it aims to maintain order and predictability in spatial governance (Syahrul, 2022).

In administrative law, all government decisions must be rooted in legal norms—a concept known as the principle of legality. If a permit is issued for a project that contradicts the designated land use in the RTRW, that decision lacks legal validity. This means such approval is procedurally flawed, regardless of intent or perceived benefit. Following RTRW guidelines is thus not optional but a legal necessity. Bypassing it undermines the rule of law and disrupts planning consistency.

Permits issued in violation of RTRW often arise from political or economic motivations. Local authorities may ignore zoning rules to attract investors or due to internal

corruption. Such decisions result in disparities between what regulations prescribe and what is practiced on the ground. This disconnect often sparks resistance from communities who feel marginalized or harmed. When policies are overridden by private interests, it weakens public trust and legal integrity.

The State Administrative Court (PTUN) has the jurisdiction to review and invalidate decisions that breach legal procedures, including RTRW violations. Courts in cities like Jakarta and Bandung have previously overturned permits granted in contravention of spatial plans. These rulings reinforce that ignoring RTRW is not a trivial oversight, but a serious legal infraction. Such legal precedents emphasize that spatial planning must be respected as a binding standard.

Government officials who approve developments against the RTRW may face disciplinary measures. These can range from formal warnings to dismissal from their positions, and in extreme cases, criminal charges especially if their decisions cause substantial harm or involve intentional misconduct. Law No. 30 of 2014 on Government Administration supports such accountability measures. These sanctions aim to deter misuse of authority and encourage adherence to lawful planning.

Disregarding spatial planning can lead to severe environmental repercussions. Building in restricted zones like flood plains or protected forests increases risks of natural disasters such as floods or landslides. The loss of natural buffers further harms biodiversity and ecosystem health. These environmental impacts not only affect the immediate area but also have long-term regional consequences. RTRW is designed to prevent such disasters by ensuring that development respects environmental limits.

When spatial regulations are ignored, local communities often suffer direct consequences, yet they are rarely consulted in the process. This exclusion fosters feelings of alienation and injustice. Over time, such patterns lead to public resistance and protest, especially when livelihoods or safety are affected. Communities expect transparent governance where their voices matter. Ignoring participatory elements in spatial planning invites social tension and governance breakdown.

To prevent misinterpretation or manipulation of zoning rules, spatial data must be made accessible and understandable to the public. Clear and updated zoning maps should be available through digital platforms. Public access promotes transparency and helps community members verify whether proposed developments comply with existing plans. When citizens are informed, they are better equipped to engage in decision-making and hold authorities accountable.

Digitalization of spatial data systems can greatly improve how planning information is managed and communicated. Integrating maps, permit records, and environmental data into a unified system allows for real-time monitoring. These platforms help ensure that decision-makers follow RTRW guidelines consistently. Digital tools can also alert authorities to zoning violations before permits are finalized. This technological approach increases efficiency and reduces human error or bias.

For RTRW to be effective, spatial planning must be harmonized with administrative decision-making. Fragmented procedures create loopholes that are exploited

for unlawful development. Consistent enforcement of RTRW across different government agencies is essential. Coordination between spatial planning departments, environmental bodies, and licensing offices strengthens institutional integrity. A well-aligned system reduces ambiguity and promotes fair governance.

Government institutions must take an active role in enforcing RTRW compliance, not merely as a formality but as a critical governance function. This includes routine audits, public reporting, and meaningful sanctions for violations. Institutional commitment ensures that RTRW is not overridden by short-term interests. Effective enforcement supports both legal certainty and long-term regional sustainability. It's a key component of responsible public administration.

Ultimately, respecting RTRW is about more than just technical planning it reflects the government's commitment to law, sustainability, and social justice. Active public participation, transparent procedures, and reliable enforcement mechanisms together create a trustworthy governance environment. By aligning development with RTRW, authorities demonstrate accountability and commitment to inclusive growth. This ensures regional development benefits all stakeholders while preserving environmental integrity.

3. The Concept of Abuse of Authority in Administrative Law

Abuse of authority in administrative law, often referred to as *detournement de pouvoir*, represents a serious breach of the rule of law. Public officials are only permitted to act within the scope of powers clearly defined by legislation or regulations. When an action goes beyond or deviates from these legal boundaries, it becomes unlawful. Such misconduct can significantly undermine legal order and public governance.

Administrative law insists on the principle that government decisions must be made within the framework of granted authority. This ensures that every public action is predictable, transparent, and legally justifiable. If an official's decision lacks a legal foundation or contradicts existing policies, it may be nullified for violating administrative procedures. Legal boundaries help prevent arbitrary or biased decision-making (Putu et al., 2021).

Common examples of authority abuse include issuing building permits in environmentally protected or non-zoned areas without proper clearance. Other instances include unjustified delays in providing services, or using discretionary power to favor certain individuals or groups. These practices compromise the integrity of public administration and frequently serve private or political interests over public welfare.

The concept of *detournement de pouvoir* highlights how power, though legally granted, can be exploited for purposes inconsistent with its intended use. For instance, when an official uses their role to advance personal gain or act under external political pressure, they are distorting the purpose of their authority. This misuse disrupts legal objectives and creates inequality before the law.

Under Indonesian Law No. 30 of 2014 on Government Administration, acts of abuse fall under the category of maladministration. This includes any administrative decision made in violation of procedure or for unlawful reasons. When such cases are discovered, the law allows for the reversal or cancellation of the decision, as well as

disciplinary measures against the official involved.

Officials found guilty of abuse of authority may face various sanctions, ranging from administrative reprimands to removal from office. In severe cases, especially where intentional misconduct or harm is evident, legal charges may be filed. This legal framework is designed not only to punish wrongdoing but to uphold the credibility and trustworthiness of public institutions.

Oversight institutions such as the Inspectorate General or the Financial and Development Supervisory Agency (BPKP) play a vital role in detecting irregularities. These bodies monitor how decisions are made and ensure they align with legal provisions. Their presence is essential in identifying misuse of authority before it escalates into systemic governance issues.

The State Administrative Court (PTUN) also plays a key role in controlling administrative abuse. Citizens or organizations can bring lawsuits to annul decisions made unlawfully. PTUN serves as a legal avenue for correcting improper administrative acts and reinforcing the accountability of public authorities through judicial review.

Encouraging public oversight is another effective tool in preventing abuse. When communities are informed and involved in decision-making processes, they are more likely to question and report irregularities. Transparency mechanisms, such as public hearings and access to government documents, help reduce opportunities for misuse of authority.

In cases where abuse of authority leads to significant environmental or financial damage, the involved official may also face criminal charges. For example, issuing illegal permits that cause floods or deforestation can be prosecuted under environmental or anti-corruption laws. This dual accountability system ensures serious abuses are addressed both administratively and criminally.

Misuse of authority damages not only the immediate outcome of a decision but also public confidence in the state. When people perceive that laws can be bent for personal or political gain, it weakens the legitimacy of the entire legal system. Trust can only be restored if abuse is consistently investigated and punished.

Preventing abuse of power requires a strong legal culture within public institutions. Training officials on ethical governance, promoting transparency, and fostering internal accountability are essential. Moreover, collaboration between civil society, the judiciary, and oversight bodies is crucial to build a governance system rooted in legality, justice, and public service.

4. Oversight in the Licensing Process as a Key Element

Oversight in the licensing process is a crucial element in ensuring that administrative decisions are made in accordance with the law and principles of justice. Without an effective oversight mechanism, the potential for administrative deviations increases, including not only administrative errors but also more complex issues like the abuse of authority. Weak oversight in the licensing process increases the risk of deviations that could harm the environment, society, or even violate the regulations set by law.

One of the main factors contributing to the lack of oversight is the absence of

transparency in the licensing process. Without clear and open information about licensing procedures, the criteria for granting permits, or the rationale behind decisions, the public cannot exercise social control over the policies implemented. This lack of clarity opens the door for officials or involved parties to engage in misconduct, bypass procedures, or even accept bribes or gratifications to facilitate the licensing process (Junianto, 2019).

The government should have a robust internal audit system to ensure that all decisions made in the licensing process are in compliance with the applicable laws. However, in many cases, this audit mechanism is not effectively implemented. Weak or inadequate audits result in limited evaluations of the licensing process and a lack of detection of potential abuse of power. This worsens the situation and allows manipulation in the permit issuance process, which can harm public interests.

In many instances, the decision-making process for issuing permits is also influenced by conflicts of interest between government officials, private companies, or other stakeholders. For example, an official with ties to a development company or personal stakes in the project may be more inclined to grant a permit without considering the negative impacts it may cause. These conflicts of interest undermine objectivity in the licensing process and disregard the interests of the community and environmental sustainability.

Administrative law emphasizes the importance of accountability in every administrative decision. Accountability means that every action and decision made by government officials must be answerable to the public and comply with the law. When accountability is neglected, the licensing process becomes opaque and prone to misuse. This contradicts the basic principles that should be upheld in good governance, such as transparency, objectivity, and the obligation to consider the public interest.

A lack of oversight in the licensing process can lead to maladministration or abuse of authority, ultimately resulting in more significant legal issues. Decisions made without adequate oversight or without clear accountability may be annulled by the State Administrative Court (PTUN) if they are found to be legally flawed (Alotia et al., 2020). Additionally, officials involved in decisions that are unlawful or unaccountable may face administrative sanctions or even criminal charges if their actions cause public harm or involve corruption.

To improve this situation, the government must enhance its oversight and accountability capacities within the licensing process. One crucial step is to develop a technology-based licensing information system that enables more effective and transparent monitoring. Strengthening the role of the public and external oversight bodies, such as the Ombudsman, in providing feedback or overseeing the licensing process will be highly beneficial. Additionally, improving the quality of human resources in government is necessary so that officials can perform their duties more professionally and in line with sound administrative principles.

To prevent abuse of authority, the government should implement reforms in both internal and external oversight systems, including increasing transparency and accountability in public administration processes. This can be done by introducing digital licensing systems that allow for more effective oversight and broader public participation.

Furthermore, training in ethics and good governance practices for public officials is critical to ensuring that the authority granted is used for legitimate purposes and not for personal or group interests.

5. Annulment of Administratively Defective Decisions

According to Article 53 of Law Number 30 of 2014 on Administrative Governance, administrative decisions deemed legally defective can be annulled through a complaint or lawsuit submitted to the State Administrative Court (PTUN). A legally defective decision is one that is issued by an administrative official in violation of applicable laws and regulations, such as granting a permit that does not comply with the Regional Spatial Planning (RTRW), failing to consider the Environmental Impact Assessment (AMDAL), or an abuse of power by an incompetent official. The annulment of a permit by PTUN demonstrates that the administrative legal system has a robust mechanism for correcting incorrect or unlawful decisions (Undang-Undang RI, 2001).

PTUN plays a crucial role in upholding justice in public administration. One of PTUN's main tasks is to review decisions made by administrative officials, including those related to development permits. If a permit or administrative decision is deemed legally defective due to non-compliance with spatial planning regulations or environmental laws, the affected party can file a lawsuit with PTUN. PTUN's decision to annul a permit shows that the administrative legal system provides protection to the public and corrects mistakes made in issuing permits that contradict existing regulations.

The annulment of permits by PTUN serves as an effective legal oversight tool for decisions made by public officials. This process provides an opportunity for the public, who may feel harmed by an administrative decision, to file a complaint and seek correction of policies or decisions made by the government that do not align with the applicable legal principles. It also sends a strong message that all administrative decisions must comply with the law and be accountable, both by the officials who make them and the government as a larger institution.

In addition to annulment of permits, officials involved in the abuse of authority or administrative errors may face administrative sanctions. These sanctions could range from warnings and reprimands to dismissal from their position if a serious mistake is proven. This aligns with the principle of accountability in administrative law, which asserts that public officials must be responsible for the decisions they make. Administrative sanctions aim to deter misconduct and ensure that decisions are made based on valid rules and with the public's interest in mind.

The annulment of development permits that violate spatial planning regulations or fail to meet environmental standards has significant positive impacts on both the environment and the community. In some cases, ongoing projects that cause environmental damage may be halted or rectified. This annulment can also address social issues stemming from developments that disrupt residential areas or protected zones. Such legal processes offer an opportunity to correct existing disparities and maintain a balance between development and environmental sustainability.

In addition to administrative sanctions, in certain cases, abuse of power by officials

involved in granting development permits can lead to criminal charges. If it is proven that the official acted intentionally and violated the law, either for personal gain or for the benefit of specific parties, they may face criminal penalties. Criminal acts such as corruption, abuse of power, or violations of spatial planning and environmental laws can be pursued through criminal legal channels. This highlights that abuse of authority in the licensing process not only results in administrative annulment but can also lead to criminal prosecution, creating a deterrent effect.

The public plays an essential role in overseeing and ensuring that the permits issued by public officials comply with the law. With the annulment of permits through PTUN, the public has the right to file objections to decisions that are deemed unjust or in violation of regulations. Active public participation in monitoring the licensing process strengthens government transparency and accountability. Furthermore, it encourages the creation of a more responsive government system that better addresses the needs and interests of the public.

6. Deviations in Licensing and Criminal Implications

Deviations in the licensing process, particularly those involving serious violations, not only result in administrative consequences but can also lead to criminal actions. When public officials disregard legal procedures or accept bribes and gratuities during the licensing process, they violate not only administrative law but also broader criminal laws, especially those related to corruption. Such actions undermine the integrity of the governmental system and have detrimental social and economic impacts on the wider public (Melinda, S., & Djajaputra, 2021).

Abuse of authority in granting permits often involves practices such as bribery and gratuity. Bribery occurs when a public official receives a reward or gift to grant a permit or expedite the licensing process, while gratuity refers to the provision of goods or services that may influence the official's decision. Both bribery and gratuity clearly violate the principles of transparency, accountability, and integrity in public administration and represent forms of corruption that can be prosecuted under criminal law. These actions create an unjust environment and exacerbate inequalities in the management of natural resources and infrastructure development.

In cases involving construction in prohibited areas, for example, violations of the Regional Spatial Planning (RTRW) or non-compliance with the Environmental Impact Assessment (AMDAL) standards, licensing deviations can lead to significant environmental damage. Such damage may include flooding, land degradation, or loss of biodiversity, directly affecting the community's way of life. When officials deliberately ignore regulations for personal gain or the benefit of specific parties, the violation becomes not only an administrative breach but also a criminal offense, requiring further accountability under criminal law.

Deviations in licensing that involve corruption, such as bribery, extortion, or abuse of office for personal gain, can be prosecuted under the provisions of the Corruption Eradication Law. Under Law Number 31 of 1999, amended by Law Number 20 of 2001 on the Eradication of Corruption, any official involved in bribery or gratuity practices that

influence administrative decisions can face criminal penalties, including heavy fines and imprisonment. This shows that criminal law provides a stronger deterrent effect for corruption perpetrators in public administration.

Serious violations in the licensing process highlight the intersection between administrative law and criminal law. In the administrative realm, violations may result in the annulment of permits or administrative sanctions against the involved officials. However, if the deviation involves criminal elements, such as abusing authority for personal gain, the case moves into the criminal law sphere. Thus, the administrative legal system and criminal law work together to ensure that serious breaches in public administration are appropriately punished, both administratively and criminally.

When abuse of licensing is proven to involve criminal elements, such as receiving bribes or gratuities, criminal prosecution may begin. This process involves investigations by the Corruption Eradication Commission (KPK) or other law enforcement agencies, which will gather relevant evidence. If sufficient evidence is found, the involved officials may face trial and be subjected to penalties prescribed under criminal law. In some cases, the abuse of licensing that involves corruption can also lead to the revocation of the involved official's rights, such as a ban from holding public office or living freely within society.

To prevent criminal acts in the licensing process, effective preventive measures must be implemented. One step is to enhance the transparency system at every stage of the licensing process, allowing for public oversight and external auditing bodies. Additionally, training on ethics and good governance practices for public officials is essential to reduce the potential for abuse of authority. Implementing information technology in the licensing process can also help monitor and reduce the likelihood of corrupt practices by creating a more transparent and efficient system.

4. Conclusion

Deviations in granting building project approvals in prohibited areas represent a serious violation of the principles of administrative law. Such practices not only disrupt the carefully regulated environmental and spatial planning frameworks but also create long-term social and economic damage. The resulting harm, such as the loss of ecological functions in green spaces or the increased risk of natural disasters in vulnerable areas, threatens public welfare and the sustainability of development itself.

In addition to physical and environmental impacts, administrative deviations in the licensing process can also undermine public trust in government institutions. When the public perceives that officials or involved parties prioritize personal or group interests over the public good, it erodes confidence in the integrity and professionalism of the government. Public trust is a fundamental foundation for effective governance, and administrative deviations clearly disrupt this trust.

However, administrative law provides various mechanisms to address such deviations, including oversight processes involving different stakeholders, such as internal regulatory bodies and the public. Additionally, administrative sanctions are in place to deter officials involved in the abuse of power. While administrative law provides a sufficient

framework to tackle this issue, its effectiveness heavily depends on how committed the government and its apparatus are in enforcing these laws.

To prevent further deviations, strengthening institutional capacity at all levels of government is essential. This includes enhancing the competence of government officials in implementing regulations and developing a more transparent and accountable licensing system. The application of transparency principles, where the entire licensing process can be monitored and accessed by the public, is crucial. Thus, not only must the government be held accountable, but the public must also be actively involved in ensuring that the licensing process complies with the applicable legal standards.

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